



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,766	06/29/2001	Prasad P. Jogalekar	M-11640 US	6914
7590	04/04/2005		EXAMINER	
Sawyer Law Group 2465 E. Bayshore Road Suite 406 Palo Alto, CA 94303				FOX, JAMAL A
				ART UNIT
				PAPER NUMBER
				2664

DATE MAILED: 04/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/895,766	JOGALEKAR, PRASAD P.
Examiner	Art Unit	
Jamal A Fox	2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 29 June 2001.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 8-13, 25 and 26 is/are allowed.
- 6) Claim(s) 1-7 and 14-24 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 29 June 2001 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Drawings

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the reference characters are illegible. Applicant is advised to employ the services of a competent patent draftsperson outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-7 and 14-24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hagen (U.S. 2002/0075844). Referring to claim 1, Hagen discloses a method for policy based accounting for packet forwarding services, the method comprising: receiving (receives packets, [0048] and [0064]) a packet to be forwarded over a network; accessing a policy table (policy table, [0099], [0128], [0131], [0133] and [0178]) to identify a billing party (subscriber information, [0131]) associated with the packet; forwarding (forwarding packets, [0157], [0168], [0169], [0188] and [0195];

forwarded, [0065]) the packet only if the policy table identifies the billing party associated with the packet; recording data (maintains a local database, [0048]) corresponding with the forwarding of the packet and the associated billing party.

Referring to claim 2, Hagen discloses the method for policy based accounting of claim 1, further comprising returning a message (error message, [0072] and [0183]) to a source of the packet to be forwarded indicating a failed transmission if the policy table does not identify the billing party associated with the packet.

Referring to claim 3, Hagen discloses the method for policy based accounting of claim 1, further comprising transmitting an authorization (authorization, [0182]) request message associated with the packet and only forwarding the packet subsequent to receiving an authorization approval message associated with the packet.

Referring to claim 4, Hagen discloses the method of policy based accounting of claim 1, further comprising: determining whether the billing party requires authorization (authorization, [0048]) before forwarding the packet; transmitting an authorization (authorization, [0182]) request message associated with the packet; forwarding the packet (host resource allocation process, [0182]) only subsequent to receiving an authorization approval message associated with the packet.

Referring to claim 5, Hagen discloses the method for policy based accounting of claim 1, further comprising transmitting (transmitting, [0070] and [0146]) the recorded data to a network management computer.

Referring to claim 6, Hagen discloses the method for policy based accounting of claim 1, further comprising classifying the packet to determine a service grade (quality of service, [0043], [0091] and [0097]) associated with the packet.

Referring to claim 7, Hagen discloses the method for policy based accounting of claim 1, wherein the policy table (policy table, [0133]) comprises a table (bandwidth policy, [0133]) identifying a billing party for each of multiple sets of circumstances associated with a packet.

Referring to claim 14, Hagen discloses a packet forwarding device, comprising: a port interface (NAS, [0011], [0044], [0049], [0054], [0057] and [0062]) for receiving (receive, [0049]) a data packet; and a policy engine (Fig. 2 ref. sign 3020) including a policy table (Fig. 2 ref. signs 3500, 3650 and respective portions of the spec.) for determining a billing party associated with the data packet based on information included in the data packet.

Referring to claim 15, Hagen discloses the packet forwarding device of claim 14, wherein the policy table includes rules (rules, [0175]) identifying a billing party and a payment (payment, [0125], [0138] and [0139]) mechanism for different data packets.

Referring to claim 16, Hagen discloses the packet forwarding device of claim 14, further comprising: a memory (cache, [0077] and [0080]); a classifier engine (Fig. 3, ref. sign 30) for recording statistics (Fig. 3, ref. sign 29) associated with data packets forwarded by the packet forwarding device to the memory, each statistic identifying the associated billing (bills, [0068] and [0136]) party.

Referring to claim 17, Hagen discloses the packet forwarding device of claim 16, further comprising a billing engine (Fig. 2 ref. sign 3750 and respective portions of the spec.) for transmitting information including at least a portion of the recorded statistics to a remote computer.

Referring to claim 18, Hagen discloses the packet forwarding device of claim 14 further comprising a user interface (interface, [0049], [0054], [0056], [0057], [0058], [0061], [0062], [0092], [0100], [0105] and [0128]) to permit the policy table to be modified from a remote computer.

Referring to claim 19, Hagen discloses the packet forwarding device of claim 14, wherein the table identifies a first payment mechanism (invoice an account [0125]) for a first set of data packets and a second payment mechanism (bill to a credit card [0125]) for the second set of data packets, the first payment mechanism being different from the second payment mechanism.

Referring to claim 20, Hagen discloses the packet forwarding device of claim 14, wherein the table identifies the destination (location, Fig. 2 ref. sign 3750) of the data packet as the billing party for at least one set of data packets.

Referring to claim 21, Hagen discloses the packet forwarding device of claim 14, wherein the table identifies a source from which authorization (authorization, [0013], [0048] and [0152]) must be received before forwarding an associated data packet.

Referring to claim 22, Hagen discloses the packet forwarding device of claim 14, wherein the table identifies the billing party based at least in part on a current time (time,

[0068], real time, [0094], [0105], [0110], [0113], [0114], [0115], [0118], [0120], [0160], [0187]) of day.

Referring to claim 23, Hagen discloses a packet forwarding device, comprising: means (NAS, [0048] and ARP subsystem [0064]) for receiving (receives packets, [0048] and [0064]) a packet to be forwarded over a network; means for accessing a policy table (policy table, [0099], [0128], [0131], [0133] and [0178]) to identify a billing party associated with the packet; means for forwarding (forwarding packets, [0157], [0168], [0169], [0188] and [0195]; forwarded, [0065]) the packet only if the policy table identifies a billing party associated with the packet; means for recording data (maintains a local database, [0048]) corresponding with the forwarding of the packet and the associated billing party.

Referring to claim 24, Hagen discloses a computer-readable medium comprising a program (program [0049] and programmable [0061]), instructions for causing a processor (microprocessor [0061]) to execute a method comprising: receiving (receives packets, [0048] and [0064]) a packet to be forwarded over a network; accessing a policy table (policy table, [0099], [0128], [0131], [0133] and [0178]) to identify a billing party associated with the packet; forwarding (forwarding packets, [0157], [0168], [0169], [0188] and [0195]; forwarded, [0065]) the packet only if the policy table identifies a billing party associated with the packet; recording data (maintains a local database, [0048]) corresponding with the forwarding of the packet and the associated billing party.

Allowable Subject Matter

4. Claims 8-13, 25 and 26 are allowed.

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 305-3988, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121
Crystal Drive, Arlington, VA. 22202, Sixth Floor (Receptionist).

**6. Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Jamal A. Fox whose telephone number is (571) 272-
3143. The examiner can normally be reached on Monday-Friday 6:30 AM - 5:00 PM.**

If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Wellington Chin can be reached on (571) 272-3134. The fax phone
numbers for the organization where this application or proceeding is assigned are (703)
872-9306 for regular communications and (703) 872-9315 for After Final
communications.

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 306-
0377.

Application/Control Number: 09/895,766

Page 8

Art Unit: 2664

Samal A. Fox
Samal A. Fox



WELLINGTON CHIN
EXAMINER